

PUBLIC HEARING - June 16, 1965

Appeal Nos. 8119 and 8259, Eomono Seyfried, et al.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Harps dissenting, the following Order was entered on June 22, 1965:

ORDERED:

That the appeals for a variance from the use provisions of the R-2 District to permit the erection of an apartment building containing 30 units on parcels 243/43 and 243/40 (adjacent to 3629 Brothers Place, SE) be granted.

From the records and evidence adduced at the hearings in the two appeals, the Board finds the following facts:

(1) Applicant proposes to develop this property with a 3-story garden type apartment structure containing 30 units. In the development of the site, the owner encountered difficulty because of severe topographic conditions existing on the site and because the property had no street access to it. Brothers Place, SE, terminates before it reaches the subject property and Raleigh Street, although a highway planned street is not developed. These two conditions preclude the owner from developing the site for its zoned use. The additional cost which would be incurred by the improvement of Raleigh Street is far in excess of any economic use that can be made of the site. Additionally, the grade conditions on the site are such that considerable additional construction costs would be incurred in order to develop the site for single-family semi-detached residences.

(2) The subject property is bounded on the west and south by Shepard Parkway and on the east by existing structures including an apartment house. On the north there is an existing residence. The subject property is accessible only from Brothers Place over an easement obtained from the adjoining property owners. The subject property is an interior site.

(3) Exhibit No. 5, a copy of a letter from the Highway Department, District of Columbia Government, was that substantial additional costs would be incurred by the development of the site in providing highway access, water and sewer to it. The topography of the property falls from the northeast corner to the southwest corner with a difference in elevation of approximately 15 feet.

(4) The relief requested by the applicants is the minimum necessary to overcome the additional costs of construction directly resulting from the hardship imposed on the site because of its location and topography conditions. This is supported by the cost study, applicant's Exhibit No. 15 and the statement of Clyde M. Drayton, Architect, Exhibit No. 10.

(5) Exhibit No. 11, the statement of the builder shows that the added costs for development of the subject site with eight (8) semi-detached houses is approximately \$5,765 per lot - added to this is the land cost of \$3,500. Additionally the builders statement sets forth the added costs incurred by reason of the difficult topography and unusual street conditions for plumbing, grading and paving.

(6) There was no objection to the granting of this appeal registered at the public hearings.

OPINION:

From the records and evidence adduced at the hearings and after careful study of the plans and other data furnished by the applicant, we are of the opinion that the applicant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations. In order to overcome the hardship imposed upon the owner we are of the opinion that the erection of an apartment building containing 30 units is justified based upon the increased construction costs that would be necessary to develop the property in accordance with its zoned use. Applicant will be permitted to establish the accessory parking on Parcel 243/43. Said parking to serve the apartment building to be constructed on Parcel 243/40.

Based upon the foregoing the Board is of the opinion that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps.

Mr. Scrivener: I am going to vote to grant with the statement which I have made in other cases that I do not agree with the method by which counsel for appellant computes the amount of relief required to compensate for the hardship. However, in this case I do believe there is a hardship and I will vote to grant.

Mr. Hatton: I concur in the statement of Mr. Scrivener. Mr. Harps not voting.